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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

3

Application Number

10/777,950

Filing Date

February 12, 2004

First Named Inventor

Tommy Rodrigues

Art Unit

3635

Examiner Name

W. Gilbert

Attorney Docket Number

FDN-2797 (12080001.000019)

### ENCLOSURES (Check all that apply)

☐

Fee Transmittal Form

☐

Fee Attached

☒

Amendment/Reply

☐

After Final

☐

Affidavits/declaration(s)

☐

Extension of Time Request

☐

Express Abandonment Request

☐

Information Disclosure Statement

☐

Certified Copy of Priority Document(s)

☐

Reply to Missing Parts/  
Incomplete Application

☐

Reply to Missing Parts  
under 37 CFR 1.52 or 1.53

☐

Drawing(s) ( )

☐

Licensing-related Papers

☐

Petition

☐

Petition to Convert to a  
Provisional Application

☐

Power of Attorney, Revocation

☐

Change of Correspondence Address

☐

Terminal Disclaimer

☐

Request for Refund

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CD, Number of CD(s) \_\_\_\_\_

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Remarks

☐

After Allowance Communication to TC

☐

Appeal Communication to Board  
of Appeals and Interferences

☐

Appeal Communication to TC  
(Appeal Notice, Brief, Reply Brief)

☐

Proprietary Information

☐

Status Letter

☒

Other Enclosure(s) (please identify  
below):

-Return Postcard

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

Sills Cummis Epstein & Gross P.C.

Signature

Printed name

Barry J. Marenberg, Esq.

Date

July 18, 2006

Reg. No.

40,715

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

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Juan C. Arias

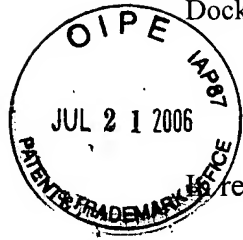
Date

July 18, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Docket No. FDN-2797



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of: Rodrigues, et. al.

Filed: February 12, 2004

Group Art Unit: 3635

Serial No: 10/777,950

Examiner: W. Gilbert

For: Roofing Shingle

**RESPONSE TO RESTRICTION REQUIREMENT**

This Reply is in response to the Office Action mailed June 23, 2006 in the above-captioned application. A response is due on or before July 23, 2006.

**I. The Restriction Requirement**

In the Office Action, the Examiner has required restriction to one of the following inventions under 35 U.S.C. § 121:

Group I: Claims 1-35 and 50-52 drawn to a roofing shingle, classified in class 52, subclass 557.

Group II: Claims 36-49 drawn to the method of fabricating the shingle) classified in class 83, subclass 920.

Applicants elect the claims of **Group I** for prosecution in the present application.

Applicants reserve the right to prosecute the non-elected claims in a Divisional application.

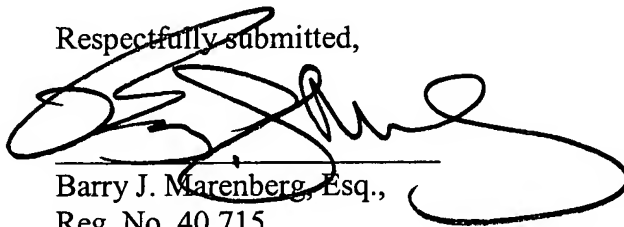
**II. Election**

Further, pursuant to the requirement for election under 35 U.S.C. §121, Applicant elects the two-layered shingle species (Figures 1-18).

No fee is believed to be due for the submission of the above-listed items.

If any fee should be due, the Commissioner is hereby authorized to charge any additional fee, or credit any overpayment to Deposit Account No. 03-1250. A duplicate copy of this transmittal is enclosed.

Respectfully submitted,



Barry J. Marenberg, Esq.,  
Reg. No. 40,715

Date: July 18, 2006

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